

CD wherein, in step (c), amplicons are produced by strand displacement amplification if the allele determinative sequence is contained within the target nucleic acid sequence.

REMARKS

In the Office Action mailed April 25, 2002, the Examiner rejected several claims under Section 112, second paragraph. The Examiner further rejected numerous claims under Section 102(e) and Section 103(a) as being unpatentable over various combinations of references. Additionally, the Examiner rejected the claims under the judicially created doctrine of obviousness-type double patenting. The Examiner did, however, acknowledge that claims 60, 78-119, 133, 136-141, 160-168, 176-197, and 204-210 were free of the prior art.

In response to the Office Action, Applicants cancel claims 44-59, 61-77, 120-132, 134-135, 142-159, 169-175, and 198-203 without prejudice to pursue these claims in a subsequent application. Accordingly, the Examiner's rejections under Section 112, Section 102(e), and Section 103(a) have been rendered moot. Applicants further submit herewith a terminal disclaimer to obviate the double patenting rejection of the pending claims.

Additionally, Applicants have rewritten claims 60, 78, 100, 106, 111, 133, 136, 160, 176, and 204 in independent form as these claims had been dependent on claims that are canceled with this amendment.

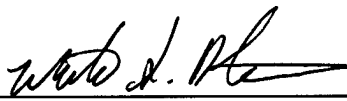
Because none of the cited references, alone or in combination, disclose, teach, or suggest all of the limitations of the present claims, Applicants submit that any rejections of these claims should be withdrawn and that the Examiner should allow these claims.

Applicants also invite the Examiner to telephone the undersigned representative if the Examiner believes that a telephonic interview would advance this case to allowance.

Respectfully submitted,

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